

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: May 23, 2017

SUBJECT: Amendments to FMC 22.26 Sign Regulations and FMC 22.98 Definitions, and Repeal of FMC 22.64.041 Signage

FROM: Angelie Stahlnecker, Planning/Building Administrator

Reviewed by: _____City Manager _____Finance Director _____City Attorney

RECOMMENDED MOTION: I move to adopt Ordinance No. _____ amending Fircrest Municipal Code Chapter 22.26 Sign Regulations, amending FMC Chapter 22.98 Definitions, repealing FMC 22.64.041

PROPOSAL:

The City of Fircrest proposes to update the City’s sign regulations by amending Chapter 22.26 Sign Regulations and Chapter 22.98 Definitions, and by repealing FMC 22.64.041 Signage.

The proposed amendments (Attachment 1) borrow and adapt certain provisions from a Model Sign Code prepared in 2016 by Fircrest special land use counsel, Carol Morris for AWC in order to meet the requirements of Reed v. Town of Gilbert.

Significant changes to the sign code are identified in Attachment 2, Comparison Table.

HISTORY:

The City has initiated a review of its sign regulations, adopted in 2003, in response to the U.S. Supreme Court’s decision in Reed v. Town of Gilbert (2015). The court held that a town sign code that treats various categories of signs differently based on the information they convey violates the First Amendment. The Gilbert sign code defined the categories of temporary, political, and ideological signs on the basis of their messages and then subjected each category to different restrictions such as on size, number of signs, and the permissible duration of display.

Fircrest’s sign regulations, like most sign codes, rely on content to regulate various types of non-commercial signs. For example, the City’s code distinguishes among real estate signs, home occupation signs, political signs and other types of signs when it regulates their size, number, location and duration. One typically has to read the content of these signs to discern their type so as to be able to properly apply the sign code. This is no longer permissible due to the Reed decision.

Staff has identified a number of sections in the current code that will need to be revised in order to become content neutral – consistent with Reed. Under Reed, the City can regulate signs in a content-neutral “time, place, or manner” approach, using such factors as:

- Location, such as commercial vs. residential locations or zoning districts;
- Size and height;
- Type of structure (for example, freestanding signs, monument signs, permanent façade signs, banner signs, and inflatable roof signs);

- Use of materials;
- Maximum number;
- Lighted vs. unlighted signage;
- Fixed message signs vs. signs with changing messages (electronic or otherwise);
- Moving parts;
- Portability (for example, A-frame or sandwich board signs).

In addition, staff has identified a number of provisions (unrelated to content) that would benefit from updating to improve clarity, simplify administration, achieve higher quality signage, reflect changes in technology and provide greater flexibility for property owners and tenants with respect to the types, sizes and locations that may be permitted. These provisions typically relate to commercial signage.

The City prepared an Environmental Checklist and issued a Determination of Nonsignificance (DNS) for the proposed critical areas amendments with a 14-day comment/appeal period that ended on January 25, 2017. The City did not receive any comments or notice of appeal. The City submitted a Notice of Proposed Amendment to the Washington State Department of Commerce on January 11, 2017. The mandatory 60-day state agency comment period ended on March 13, 2017 and no comments were received.

The Planning Commission held study sessions on November 11, 2016, December 12, 2016, and January 3, 2017. After notifying 242 commercial property and business owners, the Planning Commission conducted a public hearing on February 7, 2017 to solicit public comment on the proposed amendments to the City's sign regulations. After considering comment, the Commission continued its deliberations on the proposal to the March 7, 2017 meeting where it approved a recommendation to the City Council by a vote of 5-0 (Attachment 1).

The City Council held a public hearing on April 11, 2017.

ADVANTAGES:

The amendments are intended to:

- Respond to Reed v. Town of Gilbert by achieving content neutrality;
- Improve code clarity and simplify administration;
- Achieve more attractive and effective signage per community character and economic development goals; and
- Provide greater flexibility for commercial property owners and tenants with respect to sign types, sizes and locations that may be permitted.

DISADVANTAGES:

The amendments may:

- Increase the number of existing signs that would become legally nonconforming due to a decrease in maximum allowable height and/or revised design standards;
- Increase costs for taller freestanding (monument) signs due to more substantial framing requirements. This would not apply to signs six feet or less in height.

FISCAL IMPACT:

None.

ALTERNATIVES:

Staff has identified, in attachment 4, two amendments to the Planning Commission recommendation for the City Council to consider.

Attachments:

1. Planning Commission Resolution 17-04, including Recommended Draft Amendments in Exhibit A (redline)
2. Comparison Table
3. Ordinance
4. Staff Proposed Amendments